

## **REMARKS**

The Office Action dated July 28, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 7, 15, 23, 31, 39, 53 and 59 have been amended. No new matter is presented. Support for the amendments to claims 7, 15, 23, 31, 39, can be found on at least page 21, lines 3-9 of the Specification as originally filed. Support for the amendments to claims 53 and 59 can be found on at least page 16, lines 2-18 of the Specification as originally filed.

Claims 7-71 are pending, claims 47-52, 56-58 and 67, 68 and 70 have been allowed and claims 7-46, 53-55, 59-66, 69 and 71 are respectfully submitted for consideration.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for allowing claims 47-52, 56-58 and 67, 68 and 70.

### **New Matter Objection**

The Supplemental Amendment filed July 14, 2006, was objected to under 35 U.S.C. § 132(a) as allegedly introducing new matter, in particular the feature of "data being recorded on one stream in time series", as recited in claims 7, 15, 23, 31 and 39. The Applicants respectfully submit that the Supplemental Amendment did not introduce new matter and that support for the amendments to claims 7, 15, 23, 31 and 39 can be found on at least page 21, lines 3-9 of the specification as originally filed. This section of the specification states that

During the movie program, the multiplexed audio signal  $S_{AI}$  including the main sound and sub-sound is input so that the **multiplex recording mode is selected**. When commercial message is broadcast, the **stereophonic recording mode is selected**. (Emphasis added).

As such, two different recording modes, multiplex and stereophonic, are selected, one after the other, or "in time series".

As a result of the claimed invention, one stream may be stereophonic audio at a commercial time, or may become bilingual audio at a movie broadcasting time in time series. See page 20, lines 16-20 of the Specification. Thus, the present invention, as recited in claims 7, 15, 23, 31, and 39, discloses the change among audio data having different recording modes in time series. See page 8, lines 1-8, page 20, lines 16-20, page 21, lines 3-9 and page 26, lines 6-15 of the specification. As such, the Applicants respectfully submit that the disclosure of "in time series" is set forth in the Specification as originally filed.

In order to further clarify the feature of "in time series", the Applicants have amended claims 7, 15, 23, 31 and 39, to recite that the different recording mode is selected in succession, as disclosed on page 21, lines 3-9 of the specification. The Applicants respectfully submit that these amendments do not narrow the scope of the claims, but merely clarify the existing features of the claims previously recited in the claims.

The Applicants further submit that the change among audio data having different recording modes in succession is neither disclosed nor suggested by the cited references.

### **Rejection Under 35 U.S.C. § 112**

Claims 7-46 and 62-66 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification. Responsive to the rejection, the Applicants have amended claims 7, 15, 23, 31 and 39, as discussed above. In view of the above, the Applicants respectfully request withdrawal of the rejection.

Claims 7-46 and 62-66 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action asserted the position that “different recording modes” is not clear, since they are not defined in the Specification and it is not clear how “time series” is used in recording in one stream. The Applicants respectfully submit that “time series” has been explained above and clarified by amendment.

With respect to the rejection regarding “different recording modes”, the Applicants respectfully submit that the feature is defined and disclosed in the specification on at least page 26, lines 6-15 and disclosed in drawing Figures 7b and 7c, which are described on page 7, lines 21-23 of the Specification as originally filed.

The Office Action asserted the position that “one stream in time series” lacks proper antecedent basis. The Applicants traverse the rejection and respectfully submit that the scope of “one stream in time series” did not lack proper antecedent basis. However, as the feature has been canceled, the rejection is now rendered moot.

### **Rejection Under 35 U.S.C. § 102**

Claims 53-55, 59-61, 69 and 71 were rejected under 35 U.S.C. § 102(e) as being anticipated by Heo (U.S. Patent No. 6,167,192). Claims 54, 55 and 69 depend from claim 53; claims 60, 61 and 71 depend from claim 59. The Applicants traverse the

rejection and respectfully submit that claims 53-55, 59-61, 69 and 71 recite subject matter that is neither disclosed nor suggested by Heo.

Heo discloses a logic data structure of DVD-video disc, wherein the information regarding audio stream in the control information is disclosed in the audio-stream attribute chart (b63-b0) of Fig. 5. Specifically, the audio stream attribute table of the VTS (VTS\_AST\_ATRT) of RBP 516 to 579 in the VTSI\_MAT having the same structure as that of FIG. 4, stores VTS\_AST\_ATR #0-#7 RBPs of the eight audio streams, each of the VTS\_AST\_ATRs having 8 bytes as shown in FIG. 5, and the respective field's values become the internal information of the audio stream of the VTSM\_VOBS. See column 5, lines 10-17 of Heo.

With respect to claims 53 and 59, the Applicants respectfully submit that Heo fails to disclose or suggest the claimed features of the invention. Claims 53 and 59, as amended, recite, in part, a system and a method of reproducing audio data from a disc-shaped recording medium wherein "control information includes a mixed mode flag indicating whether multiplexed audio, multi-channel audio and monaural audio are mixed as one stream", the system and method both comprising "a reading device which reads the mixed mode flag from the video manager recording area of the recording medium; and a controller which controls the reproduction of the audio data recorded in the video data recording area of the recording medium based on the mixed mode flag."

Heo however, does not disclose or suggest a mixed mode flag. As such, the Applicants respectfully submit that Heo does not disclose or suggest at least the combination of features of a mixed mode flag indicating whether multiplexed audio, multi-channel audio and monaural audio are mixed as one stream and further does not

disclose or suggest reading or controlling the claimed mixed mode flag, as recited in claims 53 and 59.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Accordingly, Heo does not anticipate claims 53 and 59, nor are claims 53 and 59, obvious in view of Heo.

The Applicants respectfully submit that claims 54, 55 and 69, which depend from claim 53 and claims 60, 61 and 71 which depend from claim 59 are allowable for at least the same reasons.

## **Conclusion**

As noted above, claims 47-52, 56-58 and 67, 68 and 70 have been allowed.

Claims 8-14 and 62 depend from claim 7, claims 16-22 and 63 depend from claim 15, claims 24-30 and 64 depend from claim 23, claims 32-38 and 65 depend from claim 31, claims 40-46 and 66 depend from claim 39; claims 54, 55 and 69 depend from claim 53 and claims 60, 61 and 71 depend from claim 59. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claims 7, 15, 23, 31, 39. Accordingly, the Applicants respectfully request allowance of claims 7-46, 53-55, 59-66, 69 and 71 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to Counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-09071.**

Respectfully submitted,

A handwritten signature in black ink, reading "Rhonda L. Barton", with a horizontal line underneath.

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Enclosure: Petition for Extension of Time (three months)